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Attorney for *Defendant Robert A. Bisom*

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

ROBERT D. BRADSHAW,

Plaintiff,

vs.

COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS, NICOLE C. FORELLI,
WILLIAM C. BUSH, D. DOUGLAS COTTON,
L. DAVID SOSEBEE, ANDREW CLAYTON,
UNKNOWN AND UNNAMED PERSONS IN
THE CNMI OFFICE OF THE ATTORNEY
GENERAL, PAMELA BROWN, ROBERT
BISOM and JAY H. SORENSEN,

Defendants.

CASE NO. CV 05-00027

NOTICE OF MOTION AND
MOTION TO STRIKE PORTIONS
OF PLAINTIFF'S THIRD
AMENDED COMPLAINT

Date: Thursday, November 30, 2006
Time: 8:30 a.m.
Judge: Hon. Alex R. Munson

NOTICE OF MOTION AND MOTION

Please take notice that on the 30th day of November, 2006, at 8:30 a.m. in the above-entitled Court located in the First Floor, Horiguchi Building, Garapan, Saipan, Commonwealth of the Northern Mariana Islands, or a soon thereafter as this matter may be heard, Robert A. Bisom, through the undersigned counsel, will and does hereby bring the following Motion to Strike Portions of Plaintiff's Third Amended Complaint pursuant to Fed. R. Civ. P. 12(f). This motion is supported by the pleadings and records on file in this matter, and by the supporting Memorandum incorporated herein.

MEMORANDUM IN SUPPORT OF MOTION

A. FACTS.

Plaintiff makes a substantial number of allegations in his Third Amended Complaint that have no bearing on this matter and/or are pled merely to incite an emotional response and/or are pled to cause others embarrassment and/or are merely an unwarranted and biased criticism of race and culture and/or are wholly unsubstantiated nor could the allegations ever be substantiated. Among those allegations are the following:

- Paragraphs 126-127: Bradshaw alleges generally that “for years” some CNMI judges have been accused of corruption and racketeering in their actions, and he goes on to allege that a sitting Justice of the Commonwealth Supreme Court caused a former Justice of the Court to improperly receive “large sums of money” and that the sitting Justice “shared in this money plunder.”

- Paragraph 139: Bradshaw alleges that some of the defendants are “crooks” and states, generally, that “on Saipan, it would be easy to pay a bribe to a Saipan postal employee and have documents date stamped however desired.”

- Paragraph 150: Alleges that Commonwealth Supreme Court Justices are “guilty of misconduct” and would, because of judicial immunity and questions of jurisdiction “escape any liability for their wrong/illegal actions.” [The Court has already dismissed two sitting Justices and a Justice *pro tem* from this case.]

- Paragraph 322: Bradshaw alleges that the Commonwealth Office of the Attorney General “has historically had a reputation for incompetence and lack of diligence accruing because many of the personnel are short timers more interested in beach time, snorkel diving and leisure activities than in legal work.”

- Paragraph 334: Bradshaw alleges that “The prevalence of criminal and racketeering activities in the CNMI government and among its employees are [sic] well established.” Bradshaw then goes on to allege, again, that a sitting Justice of the Commonwealth Supreme Court “used his office to bestow an improper/illegal payment of

1 almost \$300,000.00 to his colleague” and that the Justice “shared in this plunder.” Bradshaw
 2 goes on to recite various “examples” involving various Commonwealth officials that he
 3 apparently culled from *news reports* to substantiate his allegations of widespread public
 4 corruption.

5 • Paragraph 358: Bradshaw alleges that the Commonwealth Government has a
 6 “policy to discriminate against persons of non-NMI racial descent” citing, by way of example,
 7 Articles XI and XII of the Commonwealth Constitution. Bradshaw goes on to allege that
 8 “This racial discrimination permeates throughout the whole structure of government in its
 9 dealing with persons of non-NMI racial descent.” Bradshaw also accuses the “[non-NMI
 10 descent] AG lawyers and court officials” of complicity in intentional discrimination in order
 11 to save their jobs.

12 • Paragraph 359-360: Bradshaw again alleges that the [non-NMD] Government
 13 Defendants in this action, though not likely to engage in racial discrimination “in their own
 14 right”

15 would gladly accept money as paid lawyers to defend and work
 16 for the racial discrimination interests of the CNMI. After all,
 17 gangsters like Al Capone and Lucky Luicano could and did buy
 18 the best lawyers available with money. The same applies to
 19 defendants SORENSEN and BISOM who stood to gain by
 participating with the CNMI in its discrimination against
 BRADSHAW.

20 This list is demonstrative, not exhaustive, but at the very least the above-referenced
 21 allegations contained in Plaintiff’s Third Amended Complaint should be struck from this and
 22 any subsequent pleadings, if any, filed by Plaintiff in this matter.

23 B. STANDARD FOR MOTIONS TO STRIKE.

24 Under Federal Rule of Civil Procedure 12(f), “the court may order stricken from any
 25 pleading . . . any redundant, immaterial, impertinent, or scandalous matter.” Immaterial
 26 matter “has no essential or important relationship to the claim for relief. . .” *Fantasy, Inc. v.*
 27 *Fogerty*, 984 F.2d 1524, 1527 (9th Cir. 1993) (quoting CHARLES A. WRIGHT & ARTHUR R.
 28 MILLER, 5C FEDERAL PRACTICE AND PROCEDURE 5 1382, at 458 (1990)). Impertinent matters

1 “do not pertain, and are not necessary, to the issues in question.” *Id.* (quoting Wright, *supra*
2 at 1382, at 463). Scandalous matter “improperly casts a derogatory light on someone” unless
3 the matter is relevant to the case. Wright, *supra* 5 1382, at 46567.

4 C. PLAINTIFF’S THIRD AMENDED COMPLAINT CONTAINS IMMATERIAL,
5 IMPERTINENT, AND SCANDALOUS ALLEGATIONS THAT SHOULD BE
6 STRUCK.

7 The allegations contained in above-described paragraphs that Plaintiff has chosen to
8 include (or leave) in his Third Amended Complaint add no substance to the allegations he
9 makes against the named defendants therein and serve only to embarrass individuals, attack
10 cultures and generally confuse the issues about which Plaintiff complains. Bradshaw’s
11 outrageous allegations are based on nothing more than speculation, innuendo, unsubstantiated
12 assertions contained in notoriously false news reports, and interjection of his own obvious
13 animosity towards persons of Northern Marianas descent.

14 Because the allegations contain nothing of substance, because they are based solely on
15 Bradshaw’s conjecture and hyperbole, and because such allegations merely import impertinent,
16 irrelevant and scandalous matters into these proceedings, the offending allegations of such
17 paragraphs, in addition to any and all other similarly offensive allegations identified by the
18 Court, should be struck from this and future pleadings, if any, of Plaintiff.

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20 Respectfully submitted this 3rd day of November, 2006.

21 /s/ Mark B. Hanson

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CERTIFICATE OF SERVICE

I hereby certify that this day a copy of the foregoing was deposited in the United States Post Office, first class mail, postage prepaid, addressed to the following:

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DATED: November 3, 2006

/s/ Mark B. Hanson

MARK B. HANSON